

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ERIC BLANDING,

*Plaintiff,*

v.

WALMART INC., et al.,

*Defendants.*

CIVIL ACTION  
NO. 23–5142

Pappert, J.

July 15, 2024

**ORDER**

**AND NOW**, this 15th day of July 2024, upon consideration of Walmart’s Motion to Dismiss for failure to state a claim (ECF No. 54), UBesGoo’s Motion to Dismiss for lack of jurisdiction or, in the alternative, failure to state a claim (ECF No. 55), Blanding’s Responses in opposition to the Motions (ECF Nos. 60, 61), Blanding’s Motion for leave of Court to engage in jurisdictional discovery (ECF No. 60), and all relevant filings, it is hereby **ORDERED**:

1. Walmart’s Motion to Dismiss (ECF No. 54) is **GRANTED**. Blanding’s failure-to-test claim against Walmart is **DISMISSED** with prejudice, and all other claims against Walmart are **DISMISSED** without prejudice.
2. UBesGoo’s Motion to Dismiss for lack of jurisdiction (ECF No. 55) is **DENIED** without prejudice.
3. Blanding’s Motion for leave of Court to engage in jurisdictional discovery (ECF No. 60) is **GRANTED**.

4. Blanding and UBesGoo shall conduct discovery relevant to this Court's jurisdiction over UBesGoo **by August 30, 2024.**
5. Blanding may file a fourth amended complaint on or before **September 16, 2024.**

BY THE COURT:

/s/ Gerald J. Pappert

Gerald J. Pappert, J.